

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. CV 9213

Subproceeding No. 01-02

ORDER ON MOTION FOR A  
PROTECTIVE ORDER

This matter is before the Court for consideration of motions by the Samish Indian Nation for a protective order and for a ruling *in limine* (Dkt. 166). Having considered the motions and responsive memoranda, the Court now finds and rules as follows:

I. Motion for a Protective Order.

The motion for a protective order is GRANTED IN PART, as set forth below.

(1) With regard to discovery on the issue of timeliness of the Samish Rule 60(b) motion, discovery shall be limited to the period from January 1, 1995 forward.

(2) The Samish Indian Nation shall not be required to provide documents protected by attorney-client privilege, or attorney work product information; such information is protected from discovery. However, the Samish Indian Nation shall be required to produce a privilege log of such documents and information.

(3) The Lummi Nation shall obtain documents related to the Samish federal acknowledgment

proceedings before the United States Department of the Interior from that agency, or shall demonstrate to the Court why such documents cannot be so obtained. In that event, the Court will re-consider this issue.

(4) Documents and information provided by the Samish Indian Nation pursuant to discovery requests as part of this sub-proceeding shall not be used in any other legal proceeding without further Order of this Court. Financial information disclosed by the Samish Indian Nation pursuant to discovery requests shall remain confidential. Treaty Tribes shall confer with the Samish Indian Nation before including any financial information in any pleading they may file with this Court, for purposes of reaching appropriate procedures to protect the confidentiality of such information.

II. Motion in Limine.

The Samish Indian Nation's motion in limine is DENIED as premature.

DATED this 11th day of May, 2006.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE